IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 20317 of 2007(R)

PETITIONERS:
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1. JESSY CHACKO, W/O. CESIL VARKEY,
DAIRY EXTENSION OFFICER, DAIRY EXTENSION SERVICE UNIT (DESU IN SHORT), THODUPUZHA, IDUKKI DISTRICT.

2. THE DAIRY EXTENSION OFFICERS' ASSOCIATION, DEPARTMENT OF DIARY DEVELOPENT, KERALA, REP. BY GENERAL SECRETARY.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY THE SECRETARY TO THE DEPARTMENT OF AGRICULTURE (DAIRY), DAIRY DEVELOPMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT, GOVERNMENT OF KERALA, TRIVANDRUM.

3. SMT. P.S. UDAYAKALA,
DAIRY EXTENSION OFFICER, DAIRY EXTENSION SERVICE UNIT, UZHAVOOR, KOTTAYAM DISTRICT.

BY ADV. SRI.SURIN GEORGE IPE FOR R3
GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.20317/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE REPRESENTATION DTD.12.10.2004 SEEKING HOME DIST. TRANSFER TO THE 1ST PETITIONER.

EXT.P2: TRUE COPY OF THE LETTER NO.47412/D1/04/AGRICULTURE DEPT. DATED 1.1.2005 ISSUED BY THE 1ST RESPONDENT.

EXT.P3: TRUE COPY OF THE APPLICATION DTD.18.2.05 PRESCRIBED BY THE 1ST PETITIONER FOR HOME DIST. TRANSFER.

EXT.P4: -DO- DATED 3.3.06.

EXT.P5: TRUE COPY OF THE REPRESENTATION DTD. 7.7.06 SUBMITTE DBY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF THE REPRESENTATION DTD.10.10.06 PREFERRED BEFORE THE 1ST RESPONDENT SEEKING HOME DIST. TRANSFER TO THE 1ST PETITIONER.

EXT.P7: TRUE COPY OF THE LETTER NO.32002/D1/2006/AGRICULTURE DEPT. DATED 1.12.06 ISSUED BY THE 1ST RESPONDENT/GOVT. ASSURING POSTING IN THE 'NEXT ARISING VACANCY'.

EXT.P8: TRUE COPY OF THE APPLICATION DTD 12.3.07 PREFERRED BY THE 1ST PETITIONER IN THE RPESCRIBED FORM SEEKING HOME DIST. TRANSFER.

EXT.P9: TRUE COPY OF THE REPRESENTATION DTD. 29.5.07 PREFERRED BEFORE THE 1ST RESPONDENT SEEKING HOME DIST. TRANSFER TO THE 1ST PETITIONER.

EXT.P9(a): TRUE COPY OF THE POSTAL AD CARD RETURNED FROM THE 1ST RESPONDENT INR ESPECT OF EXT.P9.

EXT.P10: TRUE COPY OF THE TRANSFER ORDER NO.ESI/2952/07 DTD. 23.6.07 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT OF R3

EXT.R3(a): TRUE COPY OF THE REPORT OF TRANSFER OF CHARGE.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 20317 OF 2007
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Dated this the 23rd day of August, 2007

J U D G M E N T

Petitioner, a Diary Extension Officer is presently posted at Thodupuzha. She is aggrieved by Ext.P10 order, whereby the 3rd respondent has been transfered from Kodungalloor and is posted in a vacancy at Uzhavoor in Kottayam District. According to the petitioner, the 3rd respondent who has been promoted and posted at Uzhavoor, has been given such posting overlooking the superior claim of the petitioner. She also asserts that by Ext.P7 Government Order she was informed that her claim will be considered against the next arising vacancy and that even that commitment has not been honoured.

2. Now the position is that in pursuance to Ext.P10 order, the 3rd respondent has already assumed office at Uzhavoor in Kottayam District. Facts would show that since 2005 onwards, representations were being made by the petitioner or on her behalf, requesting for a transfer to anyone of the vacancies in

Kottayam District, but however her claim has not been considered so far. In view of the above, I consider that this is a case where the 2nd respondent should examine the grievance of the petitioner and pass orders considering the same.

3. Accordingly, I direct the petitioner to make a representation to the 2nd respondent, requesting for a posting in Kottayam District and that such representation shall be made within two weeks from today. If such a representation is made by the petitioner in this respect, the 2nd respondent shall consider the same and pass orders thereon, with notice to the petitioner and the 3rd respondent, in case, order on such representation is likely to affect the 3rd respondent.

4. Orders on such representation shall be passed within six weeks from the date of receipt of the representation to be made by the petitioner.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp